THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.13559 of 2007

Date:23.07.2007

Between:

Thhe Harijana Labour Contract Cooperative Society Limited.

.. PETITIONER

AND

The Government of A.P. and another.

..RESPONDENTS

ORDER:

The petitioner is Harijana Labour Contract Cooperative Society Limited, Warangal. The second respondent invited tenders for award of sanitation work in the Government Maternity Hospital, Hanumkonda, through notification, dated 07.06.2007. The petitioner submitted its tender. The second respondent refused to receive the same on the ground that it is not accompanied by the demand draft. This writ petition is filed with a prayer to direct the respondents to receive the tender of the petitioner and consider the same along with others without insisting on payment as E.M.D. Reliance is placed upon several Government Orders, which exempted the society constituted with the members of scheduled castes and scheduled tribes from the requirement of depositing E.M.D.

While issuing notice before admission on 27.06.2007, this

Court directed that the tender of the petitioner shall be received and the second respondent shall proceed to open the other tenders also. It was also directed that in case the petitioner emerges as lowest tenderer, further proceedings shall be deferred by ten days and if any other agency or individual turns out to be the lowest tenderer, the second respondent shall proceed with the matter.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medical and Health.

There is a serious dispute as to whether the petitioner is entitled to submit its tender without depositing the E.M.D. While reliance is placed upon the Government Orders issued in respect of certain other Departments, the learned Government Pleader submits that no such orders were issued from the Medical Department.

This Court does not feel the necessity to delve into that controversy on account of the fact that the petitioner did not emerge as the lowest tenderer. The question can be addressed in a proper and relevant situation. Once the petitioner did not emerge as the lowest tenderer, nothing remains to be decided in this writ petition.

The writ petition is accordingly closed as infructuos.

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23.07.2007

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